

II. Remarks

Claims 1-22 are rejected and pending. Although not required, a listing of the pending claims has been provided for the Examiner's convenience. With the remarks provided below, Applicants respectfully request reconsideration and a withdrawal of all rejections.

In one embodiment of the present invention, the grasping device comprises an elongate control member having an atraumatic distal tip section and a grasping portion spaced proximally from the distal tip section. In the present application, the "distal end portion 52 of the control member 50 concludes in a distal tip section 54, and spaced proximally from the proximal end 56 of the distal tip section 54 is the grasping portion 70." Page 8, lines 8-10. The distal tip section provides a smooth transition between the outer sheath and the guide wire. Moreover, the distal tip section protects the vessel wall and reduces the chance that the grasping device will shear off any atheromatous plaque that is encountered while tracking through the vessel.

Responsive to the rejections of claims 1-6 under 35 U.S.C. § 102(b), *Hayashi* (5,910,144) fails to teach each and every element as set forth in the invention as claimed in independent claim 1. For example, claim 1 recites a medical grasping device comprising "an elongate control member having an atraumatic distal tip section" and separately "a grasping portion proximal said distal tip section."

Hayashi fails to teach such limitations, although the office action on page 2 suggests that the tube 50 in *Hayashi* has a distal tip and a grasping portion as claimed in claim 1. Contrarily, *Hayashi* teaches a delivery catheter and gripping system comprising tube 50 which is secured to the distal end of wire 36 and extends about secured ends 42 of gripping elements 40, each of which has a distal tip 46. Column 4, lines 26-29; see also Figs. 2-3. As shown in Figures 1-3 of *Hayashi*, the tube 50 does not have a distal tip section and a separate grasping portion spaced proximally from the proximal end of the distal tip. Rather, the tube 50 merely has a tubular opening formed at its distal end through which the gripping elements 40



extend. Only each of the gripping elements 40 has a distal tip 46. *Hayashi* simply does not teach each and every element as set forth in claim 1.

Claims 2-6 are dependent on claims which depend generally from claim 1. Thus, claims 2-6 are allowable for reasons provided above.

Responsive to the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Hayashi* in view of *Avellanet* (6,264,664), the combination does not teach or suggest all the elements of claim 7. Claim 7 is a dependent claim which depends generally from claim 1, the elements of which are not taught or suggested by *Hayashi*. In addition, there is no suggestion or motivation to combine *Hayashi* and *Avellanet* to provide a connecting block affixed to the elongate control member as recited in dependent claim 7.

Responsive to rejections of dependent claims 8-20 under 35 U.S.C. § 103(a) over *Hayashi* in view of *Hillstead* (5,098,440), the combination does not teach or suggest all the elements of claims 8-20. As stated above, neither of the references alone nor combination thereof teaches all the elements of independent claim 1 from which claims 8-20 depend. In addition, there is no suggestion or motivation in *Hayashi* or *Hillstead* to combine the references to result in all the limitations recited in claims 8-20.

Responsive to the rejection of independent claim 21 under 35 U.S.C. § 103(a) over *Hayashi* in view of *Hillstead*, neither of the references nor the combination thereof teaches or suggests all the elements of claim 21. For example, claim 21 recites a medical grasping device comprising “an elongate control member having a distal tip section” and separately “at least one loop proximal the distal tip section.” *Hayashi* does not teach all of the elements of claim 21 and *Hillstead* does not teach or suggest elements to cure *Hayashi*’s deficiencies. The combination simply does not teach or suggest an elongate control member having a distal tip section and separately a loop spaced proximally from the distal tip. In addition, there is no suggestion or motivation to combine *Hayashi* and *Hillstead*.

Responsive to the rejection of independent claim 22 under 35 U.S.C. § 103(a) over *Hayashi* in view of *Hillstead*, neither of the references nor the combination

thereof teaches or suggests all the elements of claim 22. For example, claim 22 recites a medical grasping device comprising "an elongate control member having a distal tip section" and separately "a grasping portion proximal the distal tip section" as recited in independent claim 1. As stated above, *Hayashi* does not teach all of the elements of claim 1 and *Hillstead* does not teach or suggest elements to cure *Hayashi*'s deficiencies. The combination simply does not teach or suggest an elongate control member having a distal tip section and separately a grasping portion spaced proximally from the distal tip. In addition, there is no suggestion or motivation to combine *Hayashi* and *Hillstead*.

Therefore, claims 1-22 are in a condition for allowance and such action is earnestly solicited.

Respectfully submitted,

December 23, 2003
Date



Lawrence G. Almeda (Reg. No. 46,151)
Attorney for Applicants